

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: Robert R. Traurig, Jr.
Susan M. Traurig
Debtor(s)

CHAPTER 7
CASE NO. 08-27199-MBM

PNC Bank, N.A. s/b/m National City Motion No.:
Mortgage Company, a division of National
City Bank

Movant

vs.

Robert R. Traurig, Jr.

Susan M. Traurig

Debtor(s)

and

Ronda Winnecour, Esquire

Trustee

**MOTION OF PNC BANK, N.A. S/B/M NATIONAL CITY MORTGAGE
COMPANY, A DIVISION OF NATIONAL CITY BANK TO
CLAIM FUNDS FROM THE CLERK OF COURT**

COMES NOW, PNC Bank, N.A. s/b/m National City Mortgage Company (“Movant” or “PNC”), by and through undersigned counsel, and hereby files the instant Motion to Claim Funds from the Clerk of Court, and in support thereof avers as follows:

1. On or about October 28, 2008, Debtors filed the instant Bankruptcy Case under Chapter 13 of the Bankruptcy Code.
2. On or about March 26, 2004, Debtors executed a Note and Mortgage in favor of National City Mortgage Co. (“NCMC”) in the principal amount of \$131,800.00, which is secured by Debtors’ residence located at 202 Canyon Drive, McKees Rocks, PA 15136 (the “Property”). A true and correct copy of the Note and Mortgage is attached hereto, made a part hereof by reference and marked **Exhibit A**.
3. As of the date of the filing of the Chapter 13 Bankruptcy, Debtors were contractually current with their mortgage as evidenced by the Proof of Claim filed by NCMC. A true and correct copy of the Proof of Claim is attached hereto, made a part hereof by reference and marked **Exhibit B**.

4. In accordance with the Chapter 13 Plan, Debtors tendered monthly plan payments to the Chapter 13 Trustee, who in turn tendered regular mortgage payments directly to NCMC.
5. On or about December 21, 2009, Debtors filed a Motion to Convert their Chapter 13 Case to a Chapter 7.
6. Said conversion was effective as of January 7, 2010 upon Order of the Court.
7. Upon conversion to the Chapter 7, the terms of the Chapter 13 Plan terminated and the Chapter 13 Trustee held funds in the amount of \$2,322.74.
8. The Chapter 13 Trustee did not disburse said funds to Movant herein.
9. Upon information and belief said funds were intended to be paid to Movant herein, however, PNC had yet to file the appropriate paperwork with the Court detailing its entitlement to receive said funds.
10. As a result, PNC was advised by the Chapter 13 Trustee that said funds would be tendered to the Clerk of Court as "unclaimed" funds.
11. On or about March 2, 2010, PNC filed the appropriate paperwork with the Court demonstrating that PNC is the successor in interest to National City Mortgage Company by way of merger. A true and correct copy of the Certificate of Secretary of PNC Bank, N.A., along with the supporting documentation, is attached hereto, made a part hereof by reference and marked **Exhibit C.**
12. Accordingly, and upon information and belief, PNC is entitled to the "unclaimed" funds in the amount of \$2,322.74 currently being held by the Clerk of Court.
13. Based upon the aforesaid, PNC respectfully requests that this Honorable Court Order the Clerk of Court to distribute said funds being held on account of Debtor directly to Movant.

WHEREFORE, Movant prays that the Court grant the relief requested and issue the attached proposed Order and such other relief as the Court deems just and proper.

Respectfully submitted,

/s/ Sherri J. Braustein
Sherri J. Braustein, Esquire (PA Atty. I.D. # 90675)
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Dated: March 30, 2010